

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NIKKI SNELL,

Defendant.

CR-14-42-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 7, 2016. (Doc. 81.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted the final revocation hearing on June 7, 2016. (Doc. 81.) Snell admitted that she violated the conditions of her supervised release as alleged at the revocation hearing. *Id.* at 4. The violations prove serious and warrant revocation of Snell's supervised release. Judge Johnston has recommended that the Court revoke Snell's supervised release. *Id.* at 5. Judge Johnston also has recommended that the Court sentence Snell to the custody of the United States Bureau of Prisons for three months. *Id.* Judge Johnston has recommended further that the Court sentence Snell to 27 months of supervised release. *Id.*

Snell's violation qualifies as a Grade C violation. *Id.* at 3. Snell's criminal history score results in a criminal history category of I. *Id.* Snell's underlying offense represent a Class C felony. *Id.* Snell could be incarcerated for up to 24 months. *Id.* The Court could order Snell to remain on supervised release for 36 months on each count, less any custody time imposed. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Snell's violations of her conditions represent a serious breach of the Court's trust. A sentence of three months of imprisonment, with a term of 27 months of supervised release, represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 81) is **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant

Nikki Snell be sentenced to three months of imprisonment. Snell shall complete 27 months of supervised release to follow her term of imprisonment. The Court imposes the previously imposed conditions of supervised release that are fully set forth in the judgment.

DATED this 28th day of June, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris
United States District Court Judge